

## **EXHIBIT 2**

To Proposed Amended Reply:

Annotated Portions Of The File History  
For The “**764’s CIP Application**” (No. 10/383,964)

03/08/03

Please type a plus sign (+) inside this box → ☐


PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No.	FR06US
	First Inventor	Freed
	Title	Grip Extender for Handgun
	Express Mail Label No.	EU 626872735 US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Box Patent Application Washington, D.C. 20231
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	8. Nucleotide and/or Amino Acid Sequence Submission (If applicable, all necessary)
3. <input checked="" type="checkbox"/> Specification [Total Pages <input type="text"/> ] (preferred arrangement set forth below)	a. <input type="checkbox"/> Computer Readable Form (CRF)
- Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the invention - Brief Summary of the invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure	b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <input type="text"/> ]	c. <input type="checkbox"/> Statements verifying identity of above copies
5. Oath or Declaration [Total Pages <input type="text"/> ] a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	<b>ACCOMPANYING APPLICATION PARTS</b>
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input checked="" type="checkbox"/> Continuation-in-part (CIP) of prior application No.: 09/827,578	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney
Prior application information: Examiner <u>Zerr, John</u> Group / Art Unit: <u>3644</u>	11. <input type="checkbox"/> English Translation Document (if applicable)
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.	12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations
<b>19. CORRESPONDENCE ADDRESS</b>	13. <input type="checkbox"/> Preliminary Amendment
<input checked="" type="checkbox"/> Customer Number or Bar Code Label (Insert  label here) or <input type="checkbox"/> Correspondence address below	14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
Name _____ Address _____ City _____ State _____ Zip Code _____ Country _____ Telephone _____ Fax _____	15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)
Name (Print/Type) <u>James L. Davison</u> Registration No. (Attorney/Agent) <u>40,334</u>	16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
Signature <u>James L. Davison</u> Date <u>3/8/2003</u>	17. <input type="checkbox"/> Other:

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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**GRIP EXTENDER FOR HANDGUN**Cross-Reference to Related Application

This application is a continuation in part of application Ser. Nr. 09/827,578, now abandoned, filed April 5, 2001, which said application claimed the benefit of the priority of the filing date of U.S. provisional patent application No. 60/194,981, filed April 5, 2000, which is incorporated herein by reference in its entirety.

Field of the Invention

The present invention relates to a device for extending a handgun grip.

10 Background of the Invention

Handguns generally include a magazine that is housed in the handgun's grip. For certain handgun models, the use of a full size magazine results in the protrusion of the magazine from the handgun butt. Not only does the magazine's protrusion from the handgun provide for an awkward grip, the portion of the magazine that extends from the handgun is subject to being caught on a holster or other object of clothing on drawing the handgun.

Accordingly, there exists a need for a device for use in conjunction with a handgun and a full size magazine that provides for both a comfortable grip and lessens the likelihood of the magazine being caught when the handgun is drawn. The present invention seeks to fulfill these needs and provides further related advantages.

Summary of the Invention

The present invention provides a grip extender for a handgun. The grip extender provides a relatively continuous surface between the handgun

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and locked magazine to afford the handgun user with a comfortable grip. In one embodiment, the grip extender has a collar configuration through which fits the magazine to be locked into the handgun. The grip extender fits around the magazine such that when the magazine is locked into the handgun the grip provides a smooth and comfortable fit between the magazine and the handgun butt. The grip extender of the invention can be adapted to fit a variety of handgun models.

#### Brief Description of the Drawings

The foregoing aspects and many of the attendant advantages of this invention will become more readily appreciated as the same become better understood by reference to the following detailed description, when taken in conjunction with the accompanying drawings, wherein:

FIGURE 1 is a semi-exploded side elevation view of an assembly including a handgun, a magazine, and a representative grip extender of the present invention;

FIGURE 2 is a side elevation view of the assembly shown in FIGURE 1 with the magazine in the locked position;

FIGURE 3 is an isometric view of a representative grip extender formed in accordance with the present invention;

FIGURE 4 is a top plan view of a representative grip extender formed in accordance with the present invention;

FIGURE 5 is a side elevation view of a representative grip extender formed in accordance with the present invention;

FIGURE 6 is an isometric view of a representative grip extender formed in accordance with the present invention;

FIGURE 7 is a top plan view of a representative grip extender formed in accordance with the present invention;

FIGURE 8 is a side elevation view of a representative grip extender formed in accordance with the present invention; and

FIGURE 9 is a semi-exploded side elevation view of an assembly including a handgun, a magazine, and a representative grip extender of the present invention.

FIGURE 10 is an isometric view of the preferred embodiment incorporating features that captures those types of magazines with larger periphery floor plates.

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Detailed Description of the Preferred Embodiment

In one aspect, the present invention provides a grip extender for a handgun. The grip extender can be placed over a magazine to be inserted into the handgun and then positioned by locking the magazine in place. The  
 5 grip extender has a collar configuration, the collar having an aperture sufficient for receiving the handgun's magazine, an upper surface contoured for being received by the handgun's butt lower surface, and a lower surface contoured for receiving the magazine's base. The grip extender of the present invention substantially fills the void about a magazine defined by a  
 10 magazine fully inserted into a handgun butt. Because the extender can reversibly receive a magazine, magazines can be readily exchanged with a particular extender/handgun combination.

Referring to FIGURES 1, 2, and 9, representative grip extender 10 is adapted to receive and fit about magazine 20 insertable into handgun 30. FIGURES 1 and 9 illustrate the handgun, magazine, and grip extender  
 15 assembly. FIGURE 2 illustrates the handgun, magazine, and grip extender assembly of FIGURE 1 with the magazine in the locked position.

A representative embodiment of the grip extender of the invention is illustrated in FIGURES 3-5. In this embodiment the grip extender has a  
 20 closed-collar configuration. Referring to FIGURES 3 and 4, representative grip extender 10 having a closed-collar shaped body includes an upper surface that is contoured such that the extender is receivable by a handgun butt. Representative extender 10 upper surface includes forward upper surface 12, rearward upper surface 13, and lateral upper surfaces 14. The  
 25 grip extender's upper surface (e.g., surfaces 12-14) is contoured such that, when in operating position, the extender fits the handgun's butt lower facing surface. By varying the extender's upper surface contour, the extender can be adapted to fit any one of a variety of different model handguns. The grip extender's lower surface is generally smooth and rests against the magazine  
 30 base (identified as reference numeral 22 in FIGURE 1) when the extender is in operating position. As with the extender's upper surface, the lower surface can have a variety of contours such that it is adapted to receive the selected magazine base.

Referring to FIGURES 3 and 4, representative grip extender 10  
 35 includes aperture 15 for receiving the handgun's magazine. Aperture 15 is

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defined by forward interior surface 16, rearward interior surface 17, and lateral interior surfaces 18. Aperture 15 has a size and shape sufficient to receive the magazine and to retain the grip extender at the magazine's base. By varying the extender's aperture, the extender can be adapted to fit any one of a variety of different model magazines.

Referring to FIGURES 3-5, representative grip extender 10 includes forward facing surface 19 contoured to provide a natural finger groove such that, when the grip extender is in its operational position, the extender affords a comfortable grip for the handgun user. The contour can be readily seen in FIGURES 1-9.

As illustrated in FIGURES 1-9, the grip extender of the invention can have a height and thickness sufficient to fill the gap defined by a magazine fully inserted into a handgun butt. As used herein, the term "height" refers to the dimension generally from the magazine base toward the handgun handle (i.e., from the extender's lower surface to its upper surface). The grip extender can have a variety of thicknesses. As used herein, the term "thickness" refers to the dimension generally from the magazine outward to the handgun outer surface (i.e., from the extender's interior surface to its outer surface). In one embodiment, the extender has a thickness sufficient to provide a substantially continuous surface from the handgun butt to the magazine base.

Another representative embodiment of the grip extender of the invention is illustrated in FIGURES 6-8. In this embodiment the grip extender has a substantially U-shaped configuration. Referring to FIGURES 6 and 7, representative grip extender 11 having a substantially U-shaped body includes an upper surface that is contoured such that the extender is receivable by a handgun butt. Representative extender 11 upper surface includes forward upper surface 12, rearward upper surface 13, and lateral upper surfaces 14. The grip extender's upper surface (e.g., surfaces 12-14) is contoured such that, when in operating position, the extender fits the handgun's butt lower facing surface. The extender can be adapted to fit any one of a variety of different model handguns. The grip extender's lower surface is generally smooth and rests against the magazine base (identified as reference numeral 22 in FIGURE 1) when the extender is in operating position. As with the extender's upper surface, the lower surface can have a



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variety of contours such that it is adapted to receive the selected magazine base.

Referring to FIGURES 6 and 7, representative grip extender 11 includes aperture 15 for receiving the handgun's magazine. Aperture 15 is defined by forward interior surface 16, rearward interior surfaces 17, and lateral interior surfaces 18. Aperture 15 has a size and shape sufficient to receive the magazine and to retain the grip extender at the magazine's base. By varying the extender's aperture, the extender can be adapted to fit any one of a variety of different model magazines.

Referring to FIGURES 6-8, representative grip extender 11 includes forward facing surface 19 contoured to provide a natural finger groove such that, when the grip extender is in its operational position, the extender affords a comfortable grip for the handgun user. The contour can be readily seen in FIGURES 1-9.

As noted above, the grip extender of the present invention can be formed to suit any one of a variety of handgun and magazine models. The grip extender's collar configuration can be varied such that a particular magazine can fit through and retain the extender. The grip extender's upper surface can also be varied to receive a particular handgun butt. Likewise, the grip extender's lower surface can be varied to receive a particular magazine. The representative grip extenders illustrated in FIGURES 1-9 are formed to receive a Sig Sauer Model 228 utilizing a full size magazine from Sig Sauer Model 226. It will be appreciated that the grip extender of the invention can be formed to be adapted to a variety of handguns and magazines.

To fit a handgun with the grip extender of the present invention, the handgun's magazine is inserted through the grip extender with the extender's upper surface facing toward the top of the magazine and then slide down the magazine until seated at the bottom of the magazine; the magazine with surrounding grip extender is then inserted into the handgun butt (see FIGURES 1 and 9); and the magazine locked into position (see FIGURE 2). FIGURE 10 shows the preferred embodiment of the invention using the Sig Sauer Model 226 magazine. The Sig Sauer Model 226 magazine, and many other magazines for a variety of handguns, has a floor plate 24 (FIGURE 9) that has a periphery larger than the periphery of the magazine body. The preferred embodiment uses this floor plate periphery to allow the grip

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extender to capture the magazine securely. FIGURE 10 shows a tang 26, with a stepped surface 26A parallel to the floor plate of the magazine. This tang is slightly deformed away from the magazine as the grip extender is slid down the length of the magazine. As the tang travels past the floor plate it elastically returns to its original conformation thereby placing the step of the tang 26A under the bottom of the floor plate, with the bottom shoulder of the ribs 23 supporting the top of the floor plate, securing the grip extender to the magazine. The ribbing of these supports allows them to slightly deform as the grip extender is mounted onto the magazine, again helping to secure the fit.

It will be appreciated that this design can include the grip extender having material 32 that extends below the lower surface of floor plate thereby protecting the extended handgun magazine by absorbing shocks that may occur by releasing the magazine from the pistol and letting the magazine drop onto a hard surface.

Ammunition cartridges used in handguns come in a variety of gunpowder loads usually measured in grains of powder and slug types and slug coatings such as hollow points, full metal jackets, and Teflon coatings, among others. Being able to differentiate which cartridges are loaded in which magazines would make it easier to select the correct cartridge for a particular circumstance. It is another object of the present invention to use the grip extender shape or color to allow that distinguishing to occur. The grip extender may have embossed or debossed features such as bumps or dots to allow tactile differentiation. Colors, either molded in or added later to the grip extender, may be used to visually select the magazine with the appropriate cartridge for the situation. Or a combination of colors and physical features may be used.

The grip extender of the present invention can be formed as a molded plastic piece from a variety of materials. Suitable materials include elastomeric materials, such as plastics, for example, nylon, glass filled nylon and ABS, among others. For use in extremely cold climates a high impact glass filled nylon may be selected.

While the preferred embodiment of the invention has been illustrated and described, it will be appreciated that various changes can be made therein without departing from the spirit and scope of the invention.



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## Claims

5 We claim:

- 1) A grip extender for use with an extended handgun magazine, said magazine having an open top for loading ammunition and a closed bottom floorplate for containing said ammunition, comprising:
  - 10 a) a one-piece collar slideably mounted from the open top and proceeding downward, subsequently seated at the closed bottom floor plate of said extended handgun magazine thereby substantially filling any gap resulting from a partial length of the extended handgun magazine protruding from a handgun grip when said extended handgun magazine is engaged into the handgun grip; and
  - 15 b) said collar having a size and shape sufficient to elastically receive and grip the magazine and magazine floor plate thereby securely retaining the collar in a correct position on the magazine.
- 20 2) The grip extender collar of claim 1 wherein said collar is further comprised of a color, said color corresponding to a type of cartridge to be carried by said extended magazine.
- 3) The grip extender collar of claim 1 wherein said collar further incorporates an embossed or debossed feature, said feature corresponding to a type of  
25 cartridge to be carried by said extended magazine.
- 4) The grip extender collar of claim 1 further comprising a lower surface depending below the magazine floor plate thereby protecting said magazine from impacts with surfaces when the magazine is released from a handgun during reloading.
- 30 5) A grip extender with symmetrical interior side walls, an exterior front wall configured to a user's grip, and a rear wall, for use with an extended handgun magazine, with said magazine having an open top for loading

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ammunition and a closed bottom for containing said ammunition, said closed bottom ending in a floor plate, of determinable thickness, with a lower surface and an upper surface, with said floor plate also having a peripheral surface larger than a peripheral surface of a corresponding body of the magazine, said grip extender comprising:

- 5 a) a one-piece collar slideably mounted from the open top of said extended magazine and subsequently seated at the closed bottom of said extended magazine thereby substantially filling any gap resulting from a length of the extended magazine protruding from a handgun grip when said extended magazine is engaged into said handgun grip; said collar having a size and shape sufficient to elastically receive and grip the magazine and magazine plate thereby securely retaining the collar and having at least one pair of opposed tangs oriented inward from the interior side walls of the collar; and
- 10 b) further comprising at least one pair of opposed ribs, said ribs oriented inward from the interior side walls of the collar, with a bottom shoulder of said ribs distanced above the tangs, said distance approximately equal the determinable thickness of the magazine floor plate;
- 15 c) whereby, when the grip extender is slid into its final position on the magazine, a step of the said tangs engage the lower surface of the floor plate and capture the corresponding upper surface of floor plate against said the bottom shoulders of the opposed ribs.
- 20 6) The grip extender collar of claim 5 wherein said collar is further comprised of a color, said color corresponding to a type of cartridge to be carried by said extended magazine.
- 25 7) The grip extender collar of claim 5 wherein said collar further incorporates an embossed or debossed feature, said feature corresponding to a type of cartridge to be carried by said extended magazine.
- 30 8) The grip extender collar of claim 5 further comprising a lower surface depending below the magazine floor plate thereby protecting said

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magazine from impacts with surfaces when the magazine is released from a handgun during reloading.

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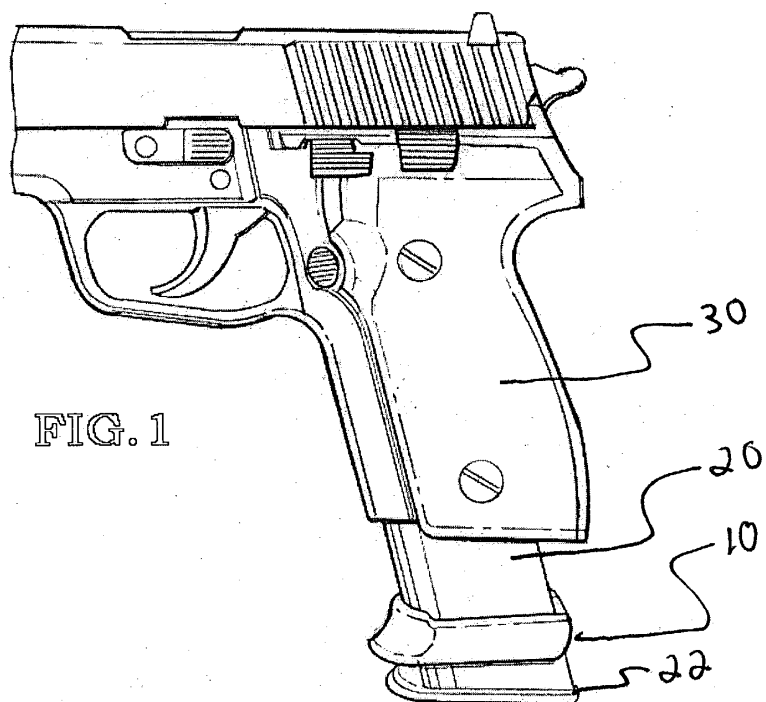
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## **GRIP EXTENDER FOR HANDGUN**

### Abstract of the Disclosure

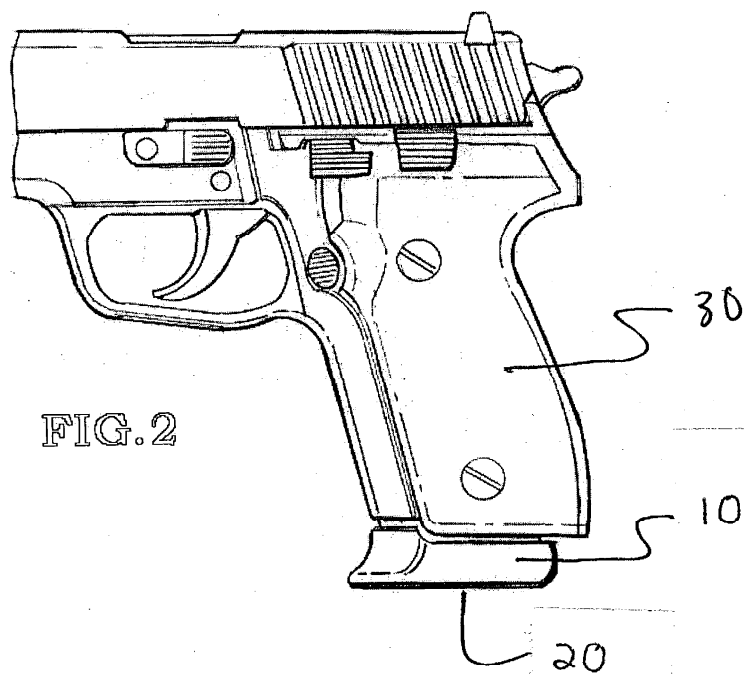
5 The present invention provides a grip extender for a handgun. The grip extender provides a relatively continuous surface between the handgun and locked magazine to afford the handgun user with a comfortable grip. The grip extender can be adapted to fit a variety of handguns and magazines.

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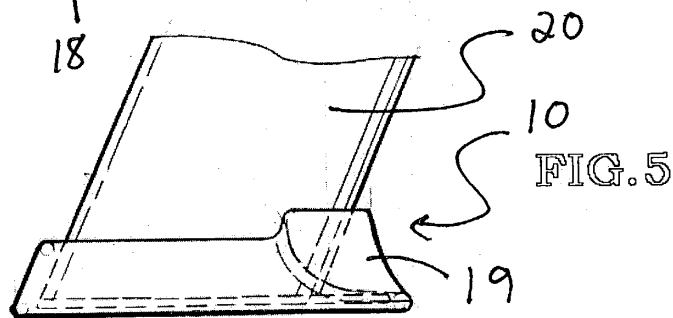
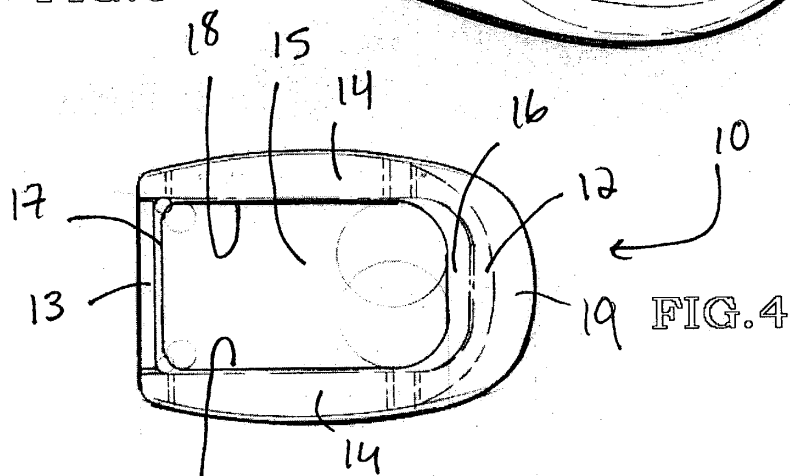
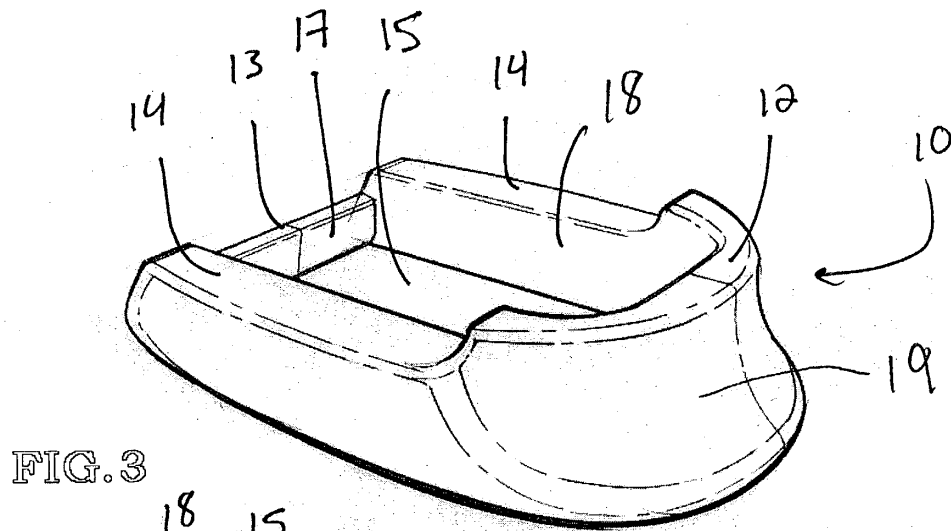


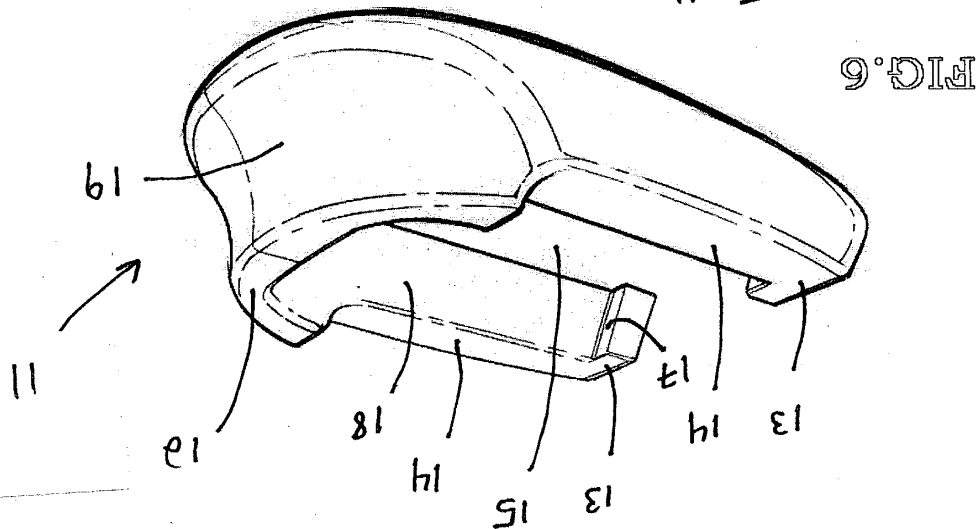
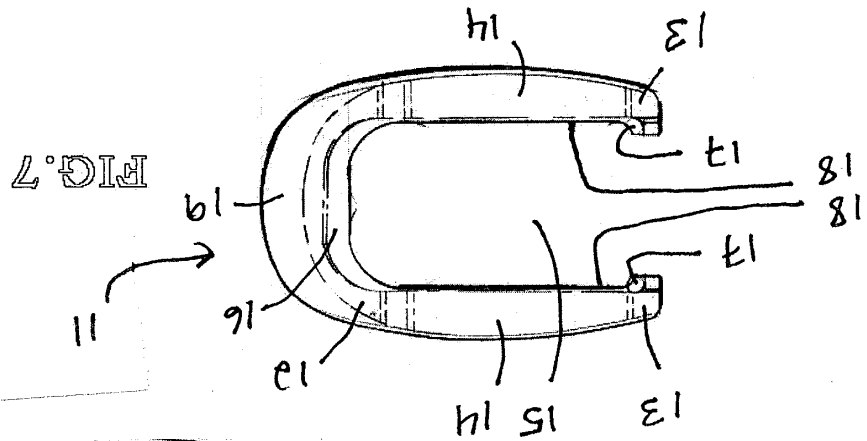
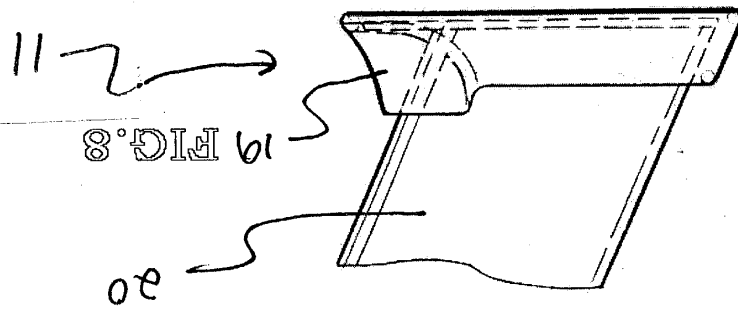


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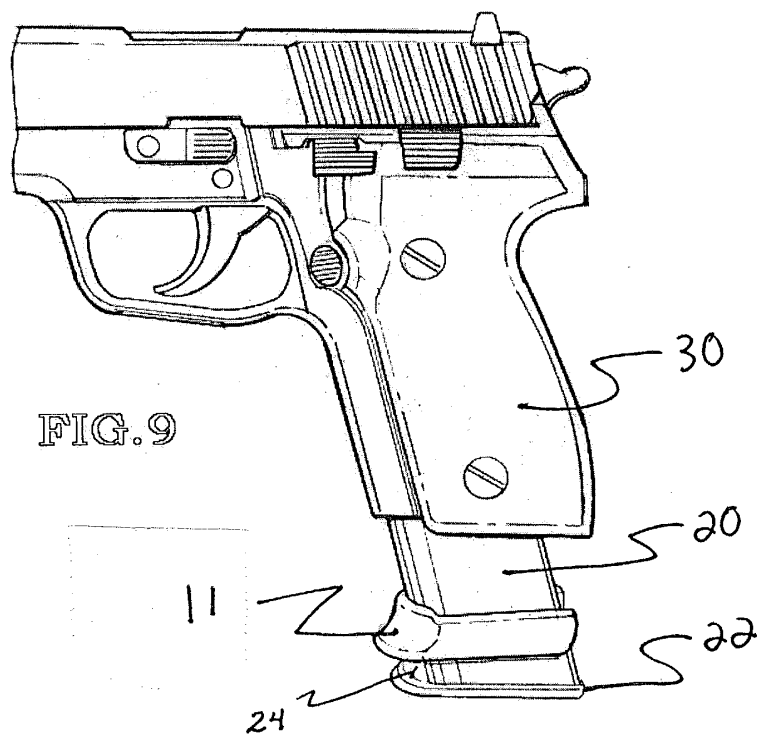


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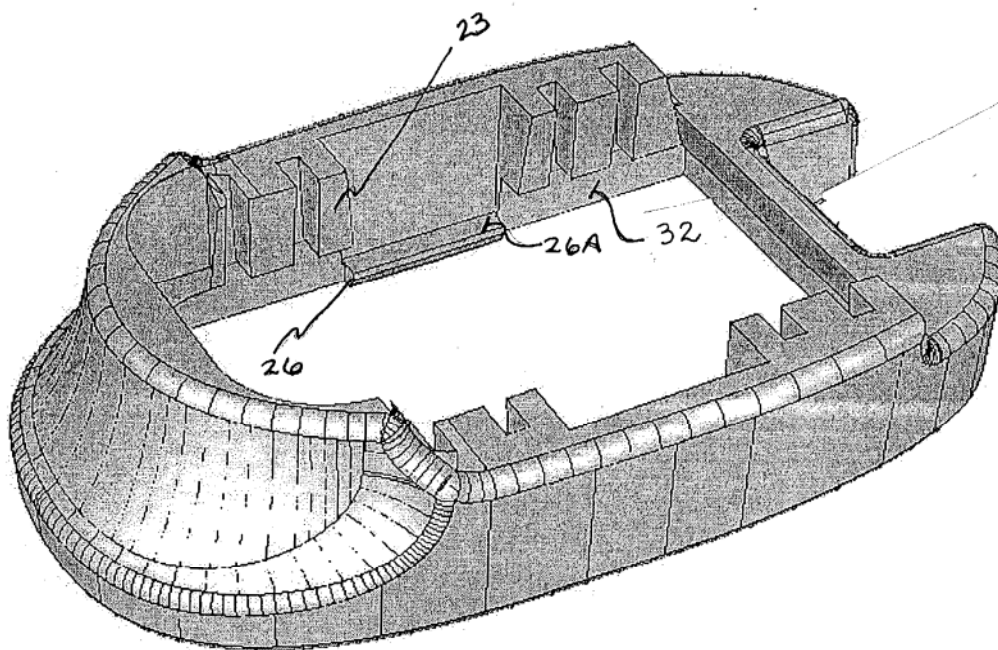




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**FIGURE 10**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: ) Group Art Unit: 3644  
Robert Freed )  
)  
Serial No.: Not assigned ; CIP for )  
09/827,578 ) Examiner: John Zerr  
)  
Filed: March 8, 2003 )  
)  
For: Grip Extender for Handgun )



INFORMATION DISCLOSURE STATEMENT FOR CIP APPLICATION

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

Attached hereto are forms listing documents believed relevant to the subject application. Examiner has previously reviewed these cited references.

There are no new references Applicant is aware of at this time.

It is believed that this disclosure complies with the requirements of 37 C.F.R. §§ 1.56, 1.97, and 1.98, and the Manual of Patenting Examining Procedures § 609. If for some reason the examiner considers otherwise, it is respectfully requested that the undersigned be called so that any deficiencies can be remedied.

Pursuant to Rule 1.98 (d), the references listed on attached Forms are not enclosed since these were supplied or Examiner previously sourced copies in the parent case, Ser. No. 09/827,578

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James L. Davis".

SIG05207

**James L. Davison**

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**SIG05208**

**Notice of References Cited**

Application/Control No.

09/827,578

Applicant(s)/Patent Under  
Reexamination  
FREED, ROBERT

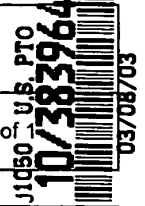
Examiner

John W. Zerr

Art Unit

3644

Pag 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,862,619	09-1989	Baldus et al.	42/7
	B	US-5,584,136	12-1996	Boland et al.	42/50
	C	US-5,533,291	07-1996	Boland, James W.	42/7
	D	US-5,526,600	06-1996	Chesnut et al.	42/50
	E	US-6,253,479 B1	07-2001	Fuchs et al.	42/70.02
	F	US-5,906,065	05-1999	Pearce, R. Lane	42/50
	G	US-5,438,783	08-1995	Snieszak et al.	42/50
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office  
 PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 4

SIG05209

INFORMATION CITED BY APPLICANT(S) THAT MAY BE MATERIAL TO THE  
PROSECUTION OF THE SUBJECT APPLICATION

Applicant: R. Freed Attorney Docket No. FRRO116971  
 Application No.: 09/827,578 Group Art Unit: 3641  
 Filed: April 5, 2001 Examiner: --  
 Title: GRIP EXTENDER FOR HANDGUN



U.S. PATENT DOCUMENTS

*Examiner Cite Initials No.	Document No.	Kind Code	Date (mm/dd/yyyy)	Name
U1	5,621,997		04/22/1997	Pearce

FOREIGN PATENT DOCUMENTS

*Examiner Cite Initial No.	Document No.	Kind Code	Publication Date (mm/dd/yyyy)	Country	English Abstract Provided	Translation Provided
NONE						

OTHER INFORMATION

(Including Author, Title, Date, Pertinent Pages, Etc.)

*Examiner Cite Initial No.
NONE

Examiner	Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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 1420 Fifth Avenue  
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FRRO116971164.DOC

SIG05210



INFORMATION CITED BY APPLICANT(S) THAT MAY BE MATERIAL TO THE  
PROSECUTION OF THE SUBJECT APPLICATION

Applicant: R. Freed Attorney Docket No. FRRO116971  
 Application No.: 09/827,578 Group Art Unit: 3641  
 Filed: April 5, 2001 Examiner: --  
 Title: GRIP EXTENDER FOR HANDGUN

U.S. PATENT DOCUMENTS

*Examiner Cite	Kind	Date	
Initials No. Document No. Code (mm/dd/yyyy) Name			

NONE

FOREIGN PATENT DOCUMENTS

*Examiner Cite	Kind	Publication Date	Country	English Abstract Provided	Translation Provided
Initial No. Document No. Code (mm/dd/yyyy)					

NONE

OTHER INFORMATION

(Including Author, Title, Date, Pertinent Pages, Etc.)

*Examiner Cite	
Initial No.	
_____ O1	A&G Supply Co., Inc., "Get a Grip on It," advertisement published in <i>Guns &amp; Weapons for Law Enforcement</i> , undated, p.69
_____ O2	Kel-Tec CNC Industries, Inc., < <a href="http://www.kel-tec.com/P11%20Accessories">http://www.kel-tec.com/P11 Accessories</a> > [retrieved February 4, 2002].

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- \_\_\_\_\_ O3 Kel-Tec CNC Industries, Inc., Suggested Dealer Price List and Pistol Accessories, December 1, 2000.
- \_\_\_\_\_ O4 Pearce Grip, Inc. Product Description, List of Grips and Grip Extensions, Bothell, Washington, (undated).

Examiner

Date Considered

\_\_\_\_\_  
\*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
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Suite 2800  
Seattle, Washington 98101  
206.682.8100

#3

Docket Number : FR06US

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As below named inventor/s I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe that I am the original, first and sole inventor of the subject matter that is claimed and for which patent is sought on the invention entitled:

"Grip Extender for Handgun"

the specification of which was previously submitted as application number 10,383,964 with a file date of 03/08/2003. This application is a CIP of 09/827,578 filed 04/05/2001 which claims benefit of 60/194,981 filed 04/05/2000.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

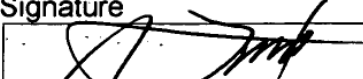
I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby appoint the following attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith: James L. Davison Reg. No. 40,334 at telephone number (425) 844-6422.

Address all correspondence to:

James L. Davison  
NW Patent Group  
19822 226<sup>th</sup> Ave NE  
Woodinville, WA 98077

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor	Citizenship
Robert Freed	U.S.
Residence	
Kenmore, Washington, U.S.	
Post Office Address	
15016 59 <sup>th</sup> Place NE, Kenmore, WA 98028	
Signature	Date
	9/4/03

SIG05214



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/383,964	03/08/2003	Robert Freed	FR06US	6890
21325	7590	03/24/2004	EXAMINER	
JAMES L DAVISON 19822 226TH AVENUE N.E. WOODINVILLE, WA 98072			ZERR, JOHN W	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/383,964		FREED, ROBERT	
	<b>Examiner</b>		<b>Art Unit</b>	
	John W. Zerr		3644	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 08 March 2003.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 5-8 is/are allowed.

6) ☒ Claim(s) 1-4 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 08 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/8/03</u>	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
--	--

Application/Control Number: 10/383,964  
Art Unit: 3644

Page 2

### DETAILED ACTION

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kaltenecker (USPT 4,343,107). See Figures 1 & 2.
3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chesnut (USPT 5,526,600, cited by Applicant). See Figures 6A-8C.
4. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Boland (USPT 5,584,136, cited by Applicant). See Figures 1-17.

#### *Claim Rejections - 35 USC § 103*

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaltenecker. Kaltenecker teaches the extender collar as claimed except Kaltenecker does not teach that the collar is comprised of a color corresponding to a type of cartridge to be carried by the magazine nor does Kaltenecker teach that the collar incorporates an embossed or debossed feature corresponding to a type of cartridge to be carried by the magazine. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a color or an embossed or debossed feature corresponding to a type of cartridge to be carried by the magazine since it has been held that matters relating to ornamentation only which have no

Application/Control Number: 10/383,964  
Art Unit: 3644

Page 3

mechanical function does not constitute patentable subject matter. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947).

***Allowable Subject Matter***


6. Claims 5-8 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John W. Zerr whose telephone number is (703) 306-0153. The examiner can normally be reached on M-Th. 8:00am-5:30pm, F 8:00am-4:30pm, alt. F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T. Jordan can be reached on (703) 306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWZ  
3/22/04

  
**CHARLES T. JORDAN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**

<b>Notice of References Cited</b>	Application/Control No. 10/383,964	Applicant(s)/Patent Under Reexamination FREED, ROBERT	
	Examiner John W. Zerr	Art Unit 3644	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,343,107	08-1982	Kaltenegger, Benno	42/7
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

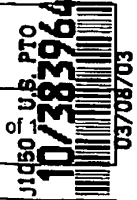
**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

**Notice of References Cited**Application/Control No.  
09/827,578Applicant(s)/Patent Under  
Reexamination  
FREED, ROBERTExaminer  
John W. ZerrArt Unit  
3644

Pag 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
JWZ	A	US-4,862,619	09-1989	Baldus et al.	42/7
JWZ	B	US-5,584,136	12-1996	Boland et al.	42/50
JWZ	C	US-5,533,291	07-1996	Boland, James W.	42/7
JWZ	D	US-5,526,600	06-1996	Chesnut et al.	42/50
JWZ	E	US-6,253,479 B1	07-2001	Fuchs et al.	42/70.02
JWZ	F	US-5,906,065	05-1999	Pearce, R. Lane	42/50
JWZ	G	US-5,438,783	08-1995	Snieszak et al.	42/50
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office  
 PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 4

3/22/04

SIG05221



INFORMATION CITED BY APPLICANT(S) THAT MAY BE MATERIAL TO THE  
PROSECUTION OF THE SUBJECT APPLICATION

Applicant: R. Freed Attorney Docket No. FRRO116971  
 Application No.: 09/827,578 Group Art Unit: 3641  
 Filed: April 5, 2001 Examiner: --  
 Title: GRIP EXTENDER FOR HANDGUN



U.S. PATENT DOCUMENTS

*Examiner Cite Initials No.	Document No.	Kind Code	Date (mm/dd/yyyy)	Name
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NONE

FOREIGN PATENT DOCUMENTS

*Examiner Cite Initial No.	Document No.	Kind Code	Publication Date (mm/dd/yyyy)	Country	English Abstract Translation Provided Provided
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NONE

OTHER INFORMATION

(Including Author, Title, Date, Pertinent Pages, Etc.)

*Examiner Cite Initial No.	
<u>JWZ</u> O1	A&G Supply Co., Inc., "Get a Grip on It," advertisement published in <i>Guns &amp; Weapons for Law Enforcement</i> , undated, p.69
<u>JWZ</u> O2	Kel-Tec CNC Industries, Inc., < <a href="http://www.kel-tec.com/P11%20Accessories">http://www.kel-tec.com/P11 Accessories</a> > [retrieved February 4, 2002].

LAW OFFICES OF  
 CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>LLC</sup>  
 1420 Fifth Avenue  
 Suite 2800  
 Seattle, Washington 98101  
 206.682.8100

JWZ O3 Kel-Tec CNC Industries, Inc., Suggested Dealer Price List and Pistol Accessories, December 1, 2000.

JWZ O4 Pearce Grip, Inc. Product Description, List of Grips and Grip Extensions, Bothell, Washington, (undated).

Examiner

Date Considered


John W. Zen

3/22/04

\*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

GER:md

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>LLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

<b>Search Notes</b> 	<b>Application No.</b> 10/383,964 <b>Examiner</b> John W. Zerr	<b>Applicant(s)</b> FREED, ROBERT <b>Art Unit</b> 3644
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SEARCHED			
Class	Subclass	Date	Examiner
42	7	3/22/2004	JWZ
	71.02		

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Consultation w/ searches performed in Parent Application 09/827,578	3/22/2004	JWZ
Note Search History for Text Searches	3/22/2004	JWZ



Appl. No. 10/383,964

3644, FW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Application of: Freed, Robert	) Date: 10 May 2004
	)
Serial No.: 10/383,964	) Group Art Unit: 3644
	)
Filed: 03/08/2003	) Examiner: Zerr
	)
For: Grip Extender for Handgun	)
	)

---

**AMENDMENT**

Honorable Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

In response to the communication from the Examiner dated March 3, 2004.

Please amend the application identified above as follows:

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.

Appl. No. 10/383,964

**Listing of Claims:**

**Claims 1-4 Canceled**

- 5) (Original): A grip extender with symmetrical interior side walls, an exterior front wall configured to a user's grip, and a rear wall, for use with an extended handgun magazine, with said magazine having an open top for loading ammunition and a closed bottom for containing said ammunition, said closed bottom ending in a floor plate, of determinable thickness, with a lower surface and an upper surface, with said floor plate also having a peripheral surface larger than a peripheral surface of a corresponding body of the magazine, said grip extender comprising:
- a) a one-piece collar slideably mounted from the open top of said extended magazine and subsequently seated at the closed bottom of said extended magazine thereby substantially filling any gap resulting from a length of the extended magazine protruding from a handgun grip when said extended magazine is engaged into said handgun grip; said collar having a size and shape sufficient to elastically receive and grip the magazine and magazine plate thereby securely retaining the collar and having at least one pair of opposed tangs oriented inward from the interior side walls of the collar; and
  - b) further comprising at least one pair of opposed ribs, said ribs oriented inward from the interior side walls of the collar, with a bottom shoulder of said ribs distanced above the tangs, said distance approximately equal the determinable thickness of the magazine floor plate;
  - c) whereby, when the grip extender is slid into its final position on the magazine, a step of the said tangs engage the lower surface of the floor plate and capture the corresponding upper surface of floor plate against said the bottom shoulders of the opposed ribs.

Appl. No. 10/383,964

- 6) (Original): The grip extender collar of claim 5 wherein said collar is further comprised of a color, said color corresponding to a type of cartridge to be carried by said extended magazine.
- 7) (Original): The grip extender collar of claim 5 wherein said collar further incorporates an embossed or debossed feature, said feature corresponding to a type of cartridge to be carried by said extended magazine.
- 8) (Original): The grip extender collar of claim 5 further comprising a lower surface depending below the magazine floor plate thereby protecting said magazine from impacts with surfaces when the magazine is released from a handgun during reloading.

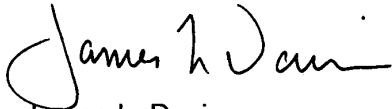
Appl. No. 10/383,964

REMARKS/ARGUMENTS

Non-allowed claims 1-4 are canceled. Allowed claims 5-8 are retained.

For the reasons advanced above Applicant respectfully submits that this application is now in condition for allowance, which such action is earnestly solicited.

Respectfully submitted,



James L. Davison

Reg. Number 40,334

NW Patent Group  
19822 226<sup>th</sup> Ave NE  
Woodinville, WA 98077  
Ph. 425.844.6422  
Fax 425.732.0250

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in  
an envelope addressed to: Commissioner of Patents and  
Trademarks, Washington D.C. 20231, on 5.10.04  
(Date of Deposit)

Jim Davison  
Date of Signature: 5.10.04



IFW  
3644

# TRANSMITTAL OF FORMAL DRAWINGS

Docket No.  
FR06US

In Re Application Of: **Freed, Robert**

Serial No.	Filing Date	Confirmation No.	Examiner	Art Unit
10/383,964	03/08/2003		Zerr	3644

Invention: **Grip Extender for Handgun**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith are: one replacement  
sheets of formal drawing(s) for this application.

☒ Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c).

*James L Davison*  
Signature

Dated: May 10, 2004

I certify that this document and attached formal drawings are being deposited on 10 May 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Signature of Person Mailing Correspondence*

**James L Davison**

*Typed or Printed Name of Person Mailing Correspondence*

SIG05229





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Appl. No. 10/383,964

Art Unit 3644

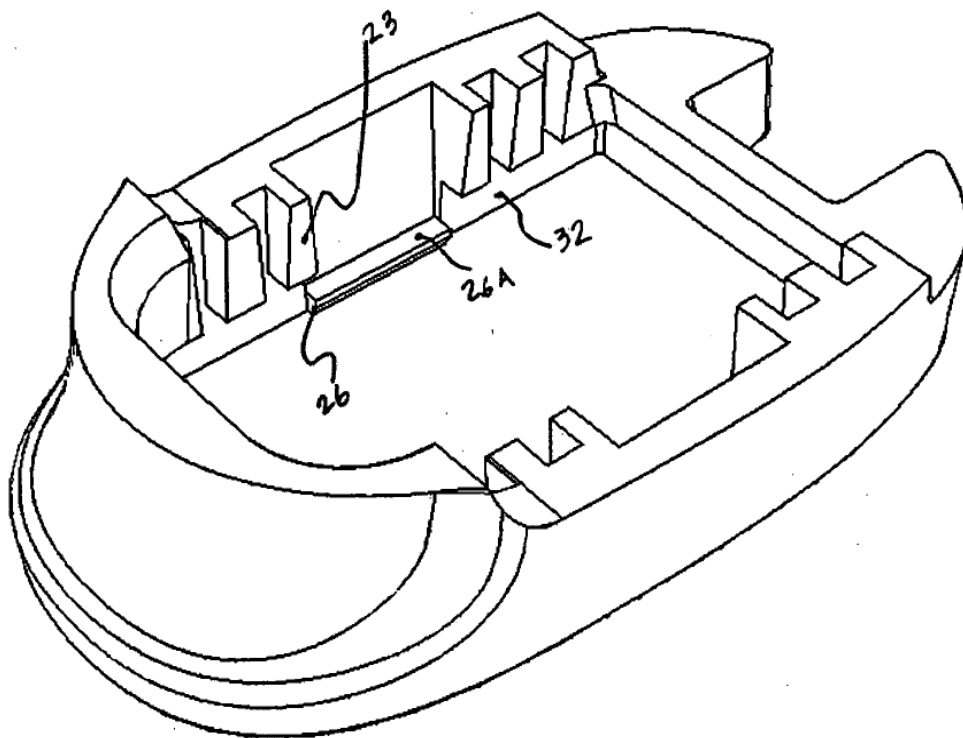


FIG.10

BEST AVAILABLE COPY




## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/383,964	03/08/2003	Robert Freed	FR06US	6890
21325	7590	07/27/2004	EXAMINER	
JAMES L DAVISON 19822 226TH AVENUE N.E. WOODINVILLE, WA 98072			SEMUNEGUS, LULIT	
			ART UNIT	PAPER NUMBER
			3641	
DATE MAILED: 07/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/383,964		<b>Applicant(s)</b> FREED, ROBERT	
	<b>Examiner</b> Lulit Semunegus		<b>Art Unit</b> 3641	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 14 May 2004.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 5-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☐ Claim(s) 5-8 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
---	--

Application/Control Number: 10/383,964  
Art Unit: 3641

Page 2

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's response/amendment dated May 14, 2004 is acknowledged.

Applicant has canceled claims 1-4 and claims 5-8 are pending. Previously allowed claims 5-8 are withdrawn from allowance for reasons as described below and rejection made on claims 1-4 on previous Office Action is applied to claims 5-8.

2. Claim 5 provides for use of grip extender but does not actively claim a handgun or an extended magazine therefore it is unclear what applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced. Examiner suggests that claim 5 can be amended to recite a combination claim, for instance, "A grip extender in combination with a handgun comprising: A handgun...and an extended magazine...".

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitations:

"magazine plate", in line 7 of section a;

Application/Control Number: 10/383,964  
 Art Unit: 3641

Page 3

“extended magazine”, in lines 1, 2, 3, 4, 5 of section a;  
 “handgun grip”, in lines 4, 5 of section a;  
 “magazine”, in line 6 of section a and in line 2 of section c;  
 “magazine floor plate”, in line 4 of section b;  
 “floor plate”, in line 3 of section c.

There is insufficient antecedent basis for this limitation in the claim.

Furthermore, Claim 5 recites “whereby” in section c. The statement of intended use or field of use, “whereby”, clause is essentially method limitations or statement of intended or desired use. Thus, these claims as well as other statements of intended use do not serve to patentably distinguish the claimed structures over that of the reference. See *In re Pearson*, 181 USPQ 641; *In re Yanush*, 177 USPQ 705; *In re Finsterwalder*, 168 USPQ 530; *In re Casey*, 512 USPQ 235; *In re Otto*, 136 USPQ 458; *Ex Parte Masham*, 2 USPQ 2d 1647.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 5 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kaltenecker (4,343,107). See Figures 1& 2.

Application/Control Number: 10/383,964  
Art Unit: 3641

Page 4

7. Claims 5 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chesnut (5,526,600). See Figures 6A-8C.

8. Claim 5 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Boland (5,584,136). See Figures 1-17.

***Claim Rejections - 35 USC § 103***

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaltenegger. Kaltenegger teaches the extender collar as claimed except Kaltenegger does not teach that the collar is comprised of a color corresponding to a type of cartridge to be carried by the magazine nor does Kaltenegger teach that the collar incorporates an embossed or debossed feature corresponding to a type of cartridge to be carried by the magazine. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a color or an embossed or debossed feature corresponding to a type of cartridge to be carried by the magazine since it has been held that matters relating to ornamentation only which have no mechanical function does not constitute patentable subject matter. In re Seid, 161 F.2d 229, 73 USPQ 431 (CCPA 1947).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (703) 306-5960. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone

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Art Unit: 3641

Page 5


number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lulit Semunegus  
Examiner  
Art Unit 3641

3641  
JACK KEITH  
PRIMARY EXAMINER

SIG05238

<b>Index of Claims</b> 	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/383,964		FREED, ROBERT	
	<b>Examiner</b>		<b>Art Unit</b>	
	Lulit Semunegus		3641	

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference


A	Appeal
O	Objected

Claim		Date					
Final	Original						
	1	✓					
	2	✓					
	3	✓					
	4	✓					
	5	✓					
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<b>Search Notes</b> 		<b>Application No.</b> 10/383,964		<b>Applicant(s)</b> FREED, ROBERT	
		<b>Examiner</b> Lulit Semunegus		<b>Art Unit</b> 3641	

SEARCHED			
Class	Subclass	Date	Examiner
42	71.02 and 7	7/20/2004	LS

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner
42	71.01-08	7/21/2004	ls

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
text search	7/20/2004	LS



Appl. No. 10/383,964

3641  
JFW

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

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In re Application of: Freed, Robert	)	Date: 9 August 2004
	)	
Serial No.: 10/383,964	)	Group Art Unit: 3641
	)	
Filed: 03/08/2003	)	Examiner: Semunegus, Lulit
	)	
For: Grip Extender for Handgun	)	
	)	

---

***AMENDMENT B***

Honorable Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

In response to the communication from the Examiner dated July 27, 2004.

Please amend the application identified above as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

Appl. No. 10/383,964

Listing of Claims:

Claims 1-4 Canceled

- 5) (Currently amended): A grip extender in combination with a handgun comprising: a handgun using a variety of different model magazines, a A grip extender with symmetrical interior side walls, an exterior front wall configured to a user's grip, and a rear wall, for use with the a extended handgun magazine to fill a gap between the magazine and the handgun, with said magazine having an open top for loading ammunition cartridges and a closed bottom for containing said ammunition cartridges, said closed bottom ending in a floor plate, of determinable thickness, with a lower surface and an upper surface, with said floor plate also having a peripheral surface larger than a peripheral surface of a corresponding body of the magazine, said grip extender further comprising:
- a) a one-piece collar slideably mounted from the open top of said extended magazine and subsequently seated at the closed bottom of said extended magazine thereby substantially filling any gap resulting from a length of the extended magazine protruding from a handgun grip when said extended magazine is engaged into said handgun grip; said collar having a size and shape sufficient to elastically receive and grip the magazine and magazine floor plate thereby securely retaining the collar and having at least one pair of opposed tangs oriented inward from the interior side walls of the collar; and
  - b) further comprising at least one pair of opposed ribs, said ribs oriented inward from the interior side walls of the collar, with a bottom shoulder of said ribs distanced above the tangs, said distance approximately equal the determinable thickness of the magazine floor plate; and
  - c) whereby, when the grip extender is slid when sliding the grip extender into its final position on the magazine, a step of the said tangs engages the lower surface of the floor plate and captures the corresponding upper

Appl. No. 10/383,964

surface of floor plate against said the bottom shoulders of the opposed ribs.

- 6) (Currently amended): The grip extender collar of claim 5 wherein said collar grip extender is further comprised of a color, said color corresponding to a type of ammunition cartridge to be carried by said extended magazine.
- 7) (Currently amended): The grip extender collar of claim 5 wherein said collar grip extender further incorporates an embossed or debossed feature, said feature corresponding to a type of ammunition cartridge to be carried by said extended magazine.
- 8) (Currently amended): The grip extender collar of claim 5 further comprising a lower surface depending below the magazine floor plate thereby protecting said magazine from impacts with surfaces when the magazine is released from a handgun during reloading.

Appl. No. 10/383,964

## REMARKS/ARGUMENTS

Claim 5 has been rewritten to recite a use with active positive steps delimiting how the claimed use is actually practiced.

Claim 5's limitations have been corrected as to the use of the terms:

"magazine plate" has been amended to the term "magazine floor plate" as disclosed in the application's page 5 line 33 "floor plate 24 (FIGURE 9)"

"extended magazine" has been amended to the term "magazine" as disclosed in the application's page 3 line 14 "...fit about magazine 20..."

"handgun grip" has been amended to the term "handgun" as disclosed in the application's page 3 line 14 "...insertable into handgun 30..."

"magazine" is disclosed in application's page 3 line 14 "...magazine 20..."

"magazine floor plate" is disclosed in application's page 5 line 33 "...has a floor plate 24..."

"floor plate" is disclosed in application's page 5 line 33 "...has a floor plate 24..."

Claims 6, 7 and 8 have also been amended to contain the proper antecedent terminology disclosed in the description section of the application.

Claim 5 has been amended removing the term "whereby" and replacing it with terms showing the interrelationship between the structure and the function of the claimed elements. This amendment clearly distinguishes the present invention, as now claimed, over Kaltenecker (4,343,107). Applicant respectfully requests reconsideration of this rejection.

Dependent claims 6, 7 and 8 now follow independent claim 5 that has been amended to clearly distinguish it over the prior art as cited by the examiner - (Chesnut '600), (Boland '136) and (Kaltenecker '107). Applicant respectfully requests reconsideration of this rejection.

The color or embossing/debossing of the grip extender are actually "mechanical functions" of the invention when that term is used in the context of a useful or enabling element. The case cited (*In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947)) was directed to an advertising display device comprising a bottle and a hollow member in the shape of a human figure from the waist up which was adapted to fit over and cover the neck of the bottle, wherein the hollow member and the bottle together give the impression of a human body. Appellant argued that certain limitations in the upper part of the body, including the

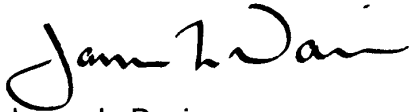
Appl. No. 10/383,964

arraignment of the arms, were not taught by the prior art. The court found that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.

Applicant's color and deboss/emboss features are mechanically useful in that it allows the user of the invention to quickly and positively determine the type of ammunition presently being carried in the magazine. Applicant respectfully requests reconsideration of this rejection.

For the reasons advanced above Applicant respectfully submits that this application is now in condition for allowance, which such action is earnestly solicited.

Respectfully submitted,



James L. Davison

Reg. Number 40,334

NW Patent Group  
19822 226<sup>th</sup> Ave NE  
Woodinville, WA 98077  
Ph. 425.844.6422  
Fax 425.732.0250

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in  
an envelope addressed to: Commissioner of Patents and  
Trademarks, Washington D.C. 20231, on Aug 9 2007  
(Date of Deposit)

James Davison  
Date of Signature: 8/9/07



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 www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

021325 7590 09/15/2004

JAMES L DAVISON  
 19822 226TH AVENUE N.E.  
 WOODINVILLE, WA 98072

EXAMINER

SEMUNEGUS, LULIT

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 09/15/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/383,964	03/08/2003	Robert Freed	FR06US	6890

TITLE OF INVENTION: GRIP EXTENDER FOR HANDGUN

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	12/15/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 5-8 are allowed.
2. The following is an examiner's statement of reasons for allowance: Upon review of the application filed on 08 March 2003 and the prior art of record no grip extender in combination with a handgun exists that comprises a one-piece collar slidably mounted from an open top of the extended magazine; at least one pair of opposed tangs oriented inward from the interior side walls of the collar; at least one pair of opposed ribs, said ribs oriented inward from the interior side walls of the collar with a bottom shoulder of the ribs distanced above the tangs whereby when the grip extender is slid into its final position on the magazine, a step of the tangs engage the lower surface of the floor plate and capture a corresponding upper surface of floor plate against the bottom shoulder of the opposed ribs.

This statement is not intended to necessarily state all the reasons for allowance or all the details why the claims are allowed and has not been written to specifically or impliedly state that all the reasons for allowance are set forth (MPEP 1302.14).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".



Application/Control Number: 10/383,964  
Art Unit: 3641

Page 3

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (703) 306-5960. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Lulit Semunegus  
Examiner  
Art Unit 3641

*Aileen Felton*  
**AILEEN FELTON**  
**PRIMARY EXAMINER**

**SIG05254**